



Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
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Paper Number 31

In re application of
Randell L. Mills
Serial No. 09/110,717
Filed: July 7, 1998

DECISION ON
PETITION

For: BATTERY, ELECTROLYTIC CELL, AND FUEL CELL

This is a decision on the PETITION UNDER RULE 181(a) TO WITHDRAW IMPROPER HOLDING OF ABANDONMENT, filed November 18, 2002. The petition requests that any holding of abandonment, for failure to timely file a proper reply to the Office letter mailed on August 16, 2001, be withdrawn since the applicants did timely file a response thereto in the form of a NOTICE OF APPEAL with the appropriate fees on February 15, 2002 and subsequent thereto a REQUEST FOR CONTINUED EXAMINATION (RCE) with the appropriate extension of time fee and RCE filing fee on September 13, 2002.

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the USPTO application file and the evidence presented reveals that applicant's response, the NOTICE OF APPEAL with the appropriate fees, was properly filed on February 15, 2002 in view of the fact that the originally filed NOTICE OF APPEAL papers having a Patent and Trademark Office date stamp of February 15, 2002 thereon, have been located in the USPTO application file. Accordingly, any holding of abandonment is hereby vacated, and the application has been returned to pending status.

The application shall be forwarded to the examiner for entry, processing and consideration of the NOTICE OF APPEAL filed February 15, 2002 and the REQUEST FOR CONTINUED EXAMINATION (RCE) filed September 13, 2002.

The Petition is GRANTED.

A handwritten signature in cursive script, appearing to read "JStone", is written over a horizontal line.

Jacqueline Stone, Director
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